

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RAYMOND E. PEYTON,

Plaintiff,

V.

BRIAN CATES,

Defendant.

Case No. 1:22-cv-00151-JLT-EPG

**ORDER DENYING APPLICATION TO  
PROCEED *IN FORMA PAUPERIS* WITHOUT  
PREJUDICE**

(ECF No. 13)

Plaintiff Raymond Peyton is a state prisoner proceeding *pro se* in this civil rights action purportedly brought pursuant to 42 U.S.C. § 1983. Defendant Brian Cates removed this action from the Kern County Superior Court on February 3, 2022, and has paid the filing fee. (ECF No. 1).

On March 14, 2022, Plaintiff file an application to proceed *in forma pauperis* under 28 U.S.C. § 1915, declaring that he was “unable to pay fees for these proceedings.” However, at this stage of the proceedings, there are no fees that Plaintiff needs to pay, as the filing fee has been paid and Plaintiff need not expend any funds to serve Defendant because Defendant initiated this action by filing the notice of removal.

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Accordingly, IT IS ORDERED that Plaintiff's application to proceed *in forma pauperis* (ECF No. 13) is denied as unnecessary and without prejudice to Plaintiff filing another application in the future should the payment of fees be at issue.

IT IS SO ORDERED.

Dated: March 16, 2022

/s/ Enri P. Grisj  
UNITED STATES MAGISTRATE JUDGE